REMARKS

Claims 1, 6, 10-12, 16, 25-27, 32, 36-38, 42, and 77-92 are pending in the application. Claims 1, 27, 86, and 92 are independent. In the present Paper, no claims have been amended, canceled, or added.

Rejection of Claims 1 and 6 Under 35 U.S.C. § 102(e)

In paragraph 3 of the Office Action, the Examiner rejected claims 1, 6, and 11-12 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,910,070 to Mishra et al. (*"Mishra"*). Applicants respectfully traverse the rejection.

A claim is anticipated only if each and every element of the claim is found in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. Id. *citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236 (Fed. Cir. 1989)).

Independent claim 1 recites in pertinent part *"monitoring* and *detecting* publication of information in a network; *organizing* the detected information into at least one event and *routing* the at least one event to a set of topics; *facilitating* a user to persistently subscribe to at least one topic selected from among the set of topics; and *delivering* the event to the user via the Internet immediately upon detection based on a subscription to a topic, wherein delivering the event to the user is not in reply to a request from the user" (emphasis added).

In the Office Action, the Examiner states that *Mishra* teaches the invention as claimed including a method comprising: monitoring and detecting publication of information; organizing the detected information into a set of topics; facilitating a user to persistently subscribe to information based on at least one topic selected from among the set of topics; delivering the event to the user via the Internet immediately upon detection based on a subscription to a topic, wherein delivering the event to the user is not in reply to a request from the user. Applicants respectfully disagree.

Applicants respectfully submit that *Mishra* fails to disclose *monitoring* for publication of information in a network. *Mishra* appears to be directed to notifying an application client of an

event that occurs in a database. *Mishra* does not appear to "monitor" for anything. Triggers in the *Mishra* database may detect an event, but *Mishra* does not monitor or search for them. *Mishra* also appears to be limited to events happening in a database and data stored in the database. *Mishra* does not appear to disclose or even contemplate monitoring for publication of information originating outside of a database, such as in a network. Applicants respectfully submit that as such the Examiner has failed to make out a *prima facie* case of anticipation of claim 1 with respect to *Mishra* and this claim 1 is patentable over *Mishra*.

Applicants respectfully submit further that *Mishra* fails to disclose "organizing the detected *information* into at least one *event* and routing the at least one event to a set of *topics*" (emphasis added) as recited in claim 1. This claim language implies that information, event, and topic are distinct elements. Each must be found in the cited reference separately. The Examiner cannot equate a single element in *Mishra* to more than one distinctly claimed element. Applicants respectfully submit that it appears that the Examiner has improperly equated the term "event" in *Mishra* to cover "information," "event," and "topic" recited in claim 1. According to the claim language, "information" has a process performed on it, namely, "organizing," and the result is an "event." The event has a process performed on it, namely, "routing," and the result is placement in a "topic." Applicants respectfully submit that the Examiner has failed to show each of these recited elements.

The above claim language also implies that the organizing and routing are distinct elements. Each must be found in the cited reference separately. The Examiner points to no teaching in *Mishra* of "routing the at least one event to a set of topics." The Examiner appears to have truncated claim 1 and not applied *Mishra* to that entire claim language. Applicants again respectfully submit that as such the Examiner has failed to make out a *prima facie* case of anticipation of claim 1 over *Mishra* and that claim 1 is patentable over *Mishra*.

Claim 6 properly depends from claim 1, which Applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claim 6 is patentable for at least the same reasons that claim 1 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1 and 6.

<u>Rejection of Claims 10-12, 16, 25-27, 32, 36-38, 42, and 77-92 Under 35 U.S.C. §103(a)</u>

In the Office Action, the Examiner rejected claims 10-12, 16, 25-27, 32, 36-38, 42, and 77-92 under 35 U.S.C. § 103(a) as obvious over *Mishra* as applied to claims 1, 6, and 11-12 in view of Official Notice. Applicants respectfully traverse the rejection.

To establish a *prima facie* case of obviousness, an Examiner must show that that there is some suggestion or motivation to modify a reference to arrive at the claimed invention, that there is some expectation of success, and that the cited reference teaches each and every element of the claimed invention. (MPEP §2143.) *citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Applicant respectfully traverses the rejection. The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

In the Office Action, the Examiner states that *Mishra* teaches the invention as claimed in independent claims 27 and 86 including a method comprising: monitoring and detecting publication of information; organizing the detected information into at least one event and routing the event to a set of topics; facilitating a user to persistently subscribe to information based on at least one topic selected from among the set of topics; delivering the event via the network information to the client immediately upon detection based on a subscription to a topic, wherein delivering the event to the client is initiated by a server, and wherein the client does not include a programmed request and/or a poll for the event. Applicants respectfully disagree.

Applicants respectfully reiterate that *Mishra* fails to teach or fairly suggest *monitoring* for publication of information in a network. *Mishra* appears to be directed to notifying an application client of an event that occurs in a database. *Mishra* does not appear to "monitor" for anything. Triggers in the *Mishra* database may detect an event, but *Mishra* does not monitor or search for events. *Mishra* also appears to be limited to events happening in a database and data

stored in the database. *Mishra* does not appear to disclose or even contemplate monitoring for publication of information originating outside of a database, such as in a network. Applicants respectfully submit that as such the Examiner has failed to make out a *prima facie* case of obviousness of claims 27 and 86 over *Mishra* and that claims 27 and 86 are patentable over *Mishra*.

Applicants respectfully reiterate further that *Mishra* fails to teach or fairly suggest "organizing the detected *information* into at least one *event* and routing the at least one event to a set of *topics*" (emphasis added) as recited in claims 27 and 86. This claim language implies that information, event, and topic are distinct elements. Each must be found in the cited reference separately. The Examiner cannot equate a single element in *Mishra* to more than one distinctly claimed element. Applicants respectfully submit that it appears that the Examiner has improperly equated the term "event" in *Mishra* to cover "information," "event," and "topic" recited in claims 27 and 86. According to the claim language, "information" has a process performed on it, namely, "organizing," and the result is an "event." The event has a process performed on it, namely, "routing," and the result is placement in a "topic." Applicants respectfully submit that the Examiner has failed to show each of these recited elements.

The above claim language also implies that the organizing and routing are distinct elements. Each must be found in the cited reference separately. The Examiner points to no teaching in *Mishra* of "routing the at least one event to a set of topics." The Examiner appears to have truncated claim 1 and not applied *Mishra* to that entire claim language. Applicants again respectfully submit that as such the Examiner has failed to make out a *prima facie* case of anticipation of claim 1 with respect to *Mishra* and this claim 1 is patentable over *Mishra*.

Claims 10-12, 16, 25-26, 32, 36-38, 42, and 77-91 properly depends from claim 27 or claim 86, which Applicants respectfully submit are patentable. Accordingly, Applicant respectfully submits that claims 10-12, 16, 25-26, 32, 36-38, 42, and 77-91 are patentable for at least the same reasons that claims 27 and 86 are patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 10-12, 16, 25-27, 32, 36-38, 42, and 77-91.

In the Office Action, the Examiner rejects claim 92, taking Official Notice that "both the concept and advantages of providing for embedded micro-server is well known and expected in the art." Applicants respectfully direct the Examiner to MPEP §2144.03, which states that Official Notice taken unsupported by documentary evidence should be judiciously applied, that the facts should be of a notorious character and *should only be used to fill in the gaps in an insubstantial manner*, and that it is never appropriate to rely solely on common knowledge without evidentiary support as the principal evidence upon which a rejection is based.

Applicants respectfully submit that the Examiner has improperly taken Official Notice that "both the concept and advantages of providing for embedded a micro-server is well known and expected in the art." Applicants respectfully submit that the concept and/or advantages of the microserver as described in Applicants' Specification are not common knowledge.

For example, Applicants Specification describes that "microserver 106 is a 'stripped down' web server, having minimal functionality to support delivering of requested information in the form of a request to store information from information control network 108. As will be described in more detail below, the employment of micro-server 106 facilitates the user to persistently submit their requests for information, and subsequently receive the information as they become available, without requiring the users to remain 'connected' to the information control network 108, while awaiting availability of the requested information." Applicants respectfully request that if the Examiner is to maintain the conclusion that this concept of a microserver is common knowledge that the Examiner provide documentary evidence to support the conclusion that it is common knowledge.

Applicants Specification describes further that "[c]onventional client computers, however, cannot allow pseudo-synchronous responses to requests for information without either maintaining the communication connection open or employing an alternate communication channel. The microserver-equipped client computer 104a can 'locally' maintain (i.e., on the client computer itself) a communication path between the information-request-making application and receive the requested information on the application's behalf as an 'independent' request for service from the information control network 108." Applicants respectfully request

that if the Examiner is to maintain the conclusion that this concept of a microserver is common knowledge that the Examiner provide documentary evidence to support the conclusion that it is common knowledge. Absent such a showing, Applicants respectfully submit that the Examiner has failed to make out a *prima facie* case of obviousness of claim 92.

The Examiner also has failed to show where a reference teaches or fairly suggests "allowing other web page content to automatically subscribe to events on behalf of the user" as recited in claim 92. Absent such a showing, Applicants respectfully submit that the Examiner has again failed to make out a *prima facie* case of obviousness of claim 92.
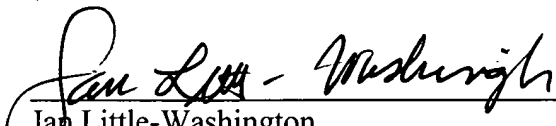
CONCLUSION

Applicants respectfully submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot, and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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